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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,880

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Eric K. Hamilton

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EXAMINER

WILLIAMS, MARK A

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

03/30/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,880	Applicant(s) HAMILTON ET AL.	
	Examiner MARK A. WILLIAMS	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/14/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-11 and 21-30 in the reply filed on 12/15/09 is acknowledged. Claims 12-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is a lack of antecedent basis for "the other end of said locking member".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoffel et al., US Patent 3,717,369. A locking device comprising first and second end pieces (40, 10) formed together via a forming process, said second end piece being joined to said first end piece via what is broadly considered at least one frangible element 50; and a substantially rigid locking member 20, said first end piece being attached to one end of said locking member and said locking member extending from said first end piece, said second end piece being separable from said first end piece via breaking said at least one frangible element, said second end piece being configured to receive the other end of said locking member when separated from said first end piece to lock said locking device to an object. The first and second end pieces are capable of being molded together (the term molded constitute a product-by-process limitation, and is give little patentable weight, since all that matters is the final product—see MPEP 2113), said at least one frangible element broadly considered as comprising interconnected portions of

said first and second end pieces. The first end piece is capable of being molded around said end of said locking member (product-by-process—see MPEP 2113). The second end piece is molded around a locking element 44 that is configured to receive and secure to the other end (21, 22) of said locking member (product-by-process—see MPEP 2113). The first and second end pieces are formed with a surface thereon for forming indicia to identify respective pairs of first and second end pieces. The surface comprises a substantially planar surface for printing or applying indicia thereon. At least one of said first and second end pieces includes an identification element for identifying said at least one of said first and second end pieces of said locking device (see column 4, lines 25-28). The first and second end pieces include first and second tabs (30, and at least part of 10) extending therefrom, said tabs being configured to be capable of receiving a secondary seal there through to provide a tamper indicating function to said locking device when said end pieces are connected together by said locking member (this can be achieved by creating a aperture in the members 11 and 30, if desired).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoffel et al.

Regarding claim 7, it would have been an obvious matter of design choice to make the different portions of the device of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. Such a modification is not critical to the design and would have produced no unexpected results.

Regarding claim 10, although radio frequency identification chip means is not provided in the device of Stoffel, the examiner serves Official Notice that it is old and well known to use such means for the purpose of tracking the components remotely and/or providing storage electronic information means. It would have been obvious to modify the device in this way, for the purpose of tracking the components remotely and/or providing stored electronic information means.

8. Claims 8 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoffel et al. in view of Kubota et al., US Patent Application Publication 2001/0004055A1.

Note the above rejections when considering claims 21-30.

Stoffel provides the claimed invention except explicit teaching of multiple locking devices or a series of locking devices formed together as claimed. Kubota teaches the generally known concept of forming a series of identical locking devices together, for the purpose of ease of duplication and operational use. It would have been obvious to modify the device of Stoffel in a similar manner, for the purpose of ease of duplication and for a particular operational use. For example, one skilled in the art would know that an entire set of the plastic locking devices of Stoffel could be manufacture together and sold together as a multi-set unit to a supplier for distribution.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK A. WILLIAMS whose telephone number is (571)272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lloyd A. Gall/
Primary Examiner, Art Unit 3673

/Mark A. Williams/
Examiner, Art Unit 3673